

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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83	100.0			

## APPENDIX I

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

ANDREA G. BRATCHER	:	CIVIL ACTION
	:	
V.	:	
	:	
LTD FINANCIAL SERVICES LIMITED PARTNERSHIP	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( X )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

1/7/15  
Date

  
Attorney at Law

Andrew M. Milz  
Attorney for Plaintiff

(610) 822-0782  
Telephone  
(Civ.660) 10/02

(610) 667-0552  
Fax Number

Amilz@consumerslaw.com  
E-Mail Address

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6143 Chancellor Street, Philadelphia, PA 19139-3703

Address of Defendant: 7322 Southwest Freeway, Suite 1600, Houston, TX 77074-2053

Place of Accident, Incident or Transaction: 6143 Chancellor Street, Philadelphia, PA 19139-3703

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_

Judge \_\_\_\_\_

Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

**A. Federal Question Cases:**

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify) FDCA, 15 USC § 1692

**B. Diversity Jurisdiction Cases:**

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability (Asbestos)
9. ☐ All other Diversity Cases  
(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/7/15

CIV.609 (4/03)

Attorney-at-Law

Attorney I.D.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREA G. BRATCHER  
6143 Chancellor Street  
Philadelphia PA 19139-3703

Plaintiff,

vs.

LTD FINANCIAL SERVICES LIMITED  
PARTNERSHIP  
7322 Southwest Freeway, Suite 1600  
Houston, TX 77074-2053

Defendant

CIVIL ACTION

NO.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (“FDCPA”).

2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.

3. Defendant is subject to strict liability for sending a collection letter that exposes personal identifying information visibly on the envelope placed into the mails.

**II. JURISDICTION**

4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §§1331 and 1337.

5. Venue is proper as defendant regularly does business in this district and has caused harm in this district.

### **III. PARTIES**

6. Plaintiff Andrea G. Bratcher (“Plaintiff” or “Bratcher”) is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.

7. Defendant LTD Financial Services Limited Partnership (“Defendant” or “LTD”) is a nationwide debt collector with a principal place of business at the address captioned.

8. Defendant regularly engages in the collection of consumer debts using the mails and telephone.

9. Defendant regularly attempts to collect consumer debts alleged to be due another.

10. Defendant is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

### **IV. STATEMENT OF CLAIM**

11. On or about March 4, 2014, Defendant LTD mailed a collection notice to Plaintiff in an attempt to collect an old Home Depot debt alleged due. A copy of the March 4, 2014 letter is attached hereto as Exhibit A (redacted in part per Fed. R. Civ. P. 5.2).

12. The old Home Depot account was a consumer debt; *i.e.*, incurred for primarily personal, family or household use.

13. The collection letter was mailed by LTD to Plaintiff in a window envelope.

14. Visible through the glassine window of the envelope placed into the mails was a bar code which when read or scanned, reveals the consumer’s reference or account number that Defendant assigned to Plaintiff and her account.

15. The reference number (ending in 6709) constitutes personal identifying information.

16. The bar code visible through the window could be easily scanned by anyone with a smartphone, as scanning applications (or “apps”) are readily available to the public for free.

17. With one touch, anyone could scan the barcode and access Andrea’s personal reference number.

18. The FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, including the use of any language or symbol other than the debt collector’s name and address on any envelope when communicating with a consumer by mail. 15 U.S.C. § 1692f(8).

19. The collection notice utilized by Defendant LTD conveyed such information, thereby violating this provision of the Act.

20. The reference number is a piece of information capable of identifying Bratcher as a debtor, and its disclosure has the potential to cause harm to a consumer that the FDCPA was enacted to address.

**COUNT I**  
**(FAIR DEBT COLLECTION PRACTICES ACT)**

21. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

22. Defendant’s acts described above violated the Fair Debt Collection Practices Act by the use of language or a symbol on any envelope when communicating with a consumer by mail, in violation of 15 U.S.C. § 1692f(8).

**WHEREFORE**, Plaintiff Andrea G. Bratcher demands judgment against Defendant LTD Financial Services Limited Partnership for:

- (a) Damages;
- (b) Attorney’s fees and costs; and

(c) Such other and further relief as the Court shall deem just and proper.

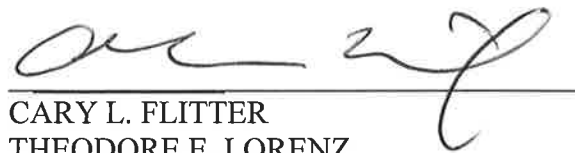
**VII. JURY DEMAND**

Pursuant to Fed.R.Civ.P. 38, Plaintiff demands trial by jury as to all issues so triable.

Respectfully submitted:

DATE:

1/7/15



CARY L. FLITTER  
THEODORE E. LORENZ  
ANDREW M. MILZ  
Attorneys for Plaintiff

**FLITTER LORENZ, P.C.**  
450 N. Narberth Avenue, Suite 101  
Narberth, PA 19072  
(610) 822-0782

# EXHIBIT "A"



Andrea G Bratcher  
6143 Chancellor St  
Philadelphia, PA 19139-3703



7322 Southwest Freeway Suite 1600  
Houston, TX 77074-2053

MON thru THU 8:00A.M. until 9:00P.M. CT  
FRI 8:00A.M. until 5:00P.M. CT  
SAT 8:00A.M. until 12:00 Noon CT

Toll Free: 1-866-998-2500  
Phone: (713) 773-3100  
Fax: (713) 414-2126

**CURRENT CREDITOR:**

ADVANTAGE ASSETS II, INC.

**ORIGINAL CREDITOR:**

CITIBANK (SOUTH DAKOTA), N.A.

HOME DEPOT HIL (CONSUMER)

**CREDITOR ACCOUNT #:**

[REDACTED] 3441

LTD REF NO: [REDACTED] 6709

BALANCE: \$1,839.79

March 4, 2014

## \*\*\*\*\* SETTLEMENT IN FULL OFFER \*\*\*\*\*

This letter is from LTD Financial Services, L.P., a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose. Acceptance of this settlement offer, selecting a repayment option and payment by the due date will satisfy this debt with the current creditor.

**PAYMENT PLAN 1**

Make 1 payment of \$478.35 due  
03/31/2014.

**YOU SAVE:**  
**\$1,361.44**

**PAYMENT PLAN 2**

Make 4 payments of \$165.58 with the  
first payment due 03/31/2014.  
Successive payments are due the 31st  
of each month.

**YOU SAVE:**  
**\$1,177.47**

**PAYMENT PLAN 3**

Make 12 payments of \$64.40 with the  
first payment due 03/31/2014.  
Successive payments are due the 31st  
of each month.

**YOU SAVE:**  
**\$1,066.99**

The law limits how long you can be sued on a debt. Because of the age of this account, you will not be sued for the debt.  
If you need information, please call today at 1-866-998-2500. We are not obligated to renew this offer.

Visit <https://payments.ltdfin.com> to pay online.**NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

7322 Southwest Freeway Suite 1600  
Houston, TX 77074-2053



LTD REF NO: [REDACTED] 6709

CREDITOR ACCOUNT #: [REDACTED] 3441

BALANCE: \$1,839.79

LTDF / P4 / 664073172606

59394 / 000029697 / 000000112



Andrea G Bratcher  
6143 Chancellor St  
Philadelphia, PA 19139-3703

Our TOLL FREE Number is 1-866-998-2500

We are required under state laws to notify consumers of the following rights. This list does not contain a complete list of the rights consumers have under state and federal law.

**CALIFORNIA NOTICE OF RIGHTS**

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

**COLORADO NOTICE OF RIGHTS**

IF A CONSUMER NOTIFIES A DEBT COLLECTOR OR COLLECTION AGENCY IN WRITING THAT THE CONSUMER REFUSES TO PAY A DEBT OR THAT THE CONSUMER WISHES THE DEBT COLLECTOR OR COLLECTION AGENCY TO CEASE FURTHER COMMUNICATION WITH THE CONSUMER, THE DEBT COLLECTOR OR COLLECTION AGENCY SHALL NOT COMMUNICATE FURTHER WITH THE CONSUMER WITH RESPECT TO SUCH DEBT, EXCEPT TO ADVISE THE CONSUMER THAT THE DEBT COLLECTOR'S OR COLLECTION AGENCY'S FURTHER EFFORTS ARE BEING TERMINATED; NOTIFY THE CONSUMER THAT THE COLLECTION AGENCY OR CREDITOR MAY INVOKE SPECIFIED REMEDIES THAT ARE ORDINARILY INVOKED BY SUCH COLLECTION AGENCY OR CREDITOR, OR NOTIFY THE CONSUMER THAT THE COLLECTION AGENCY OR CREDITOR INTENDS TO INVOKE A SPECIFIED REMEDY. IF SUCH NOTICE FROM THE CONSUMER IS MADE BY MAIL, NOTIFICATION SHALL BE COMPLETE UPON RECEIPT.

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE:

[WWW.COLORADOATTORNEYGENERAL.GOV/CA](http://WWW.COLORADOATTORNEYGENERAL.GOV/CA)

OUR COLORADO ADDRESS IS 717 17TH STREET, SUITE 2300, DENVER, CO 80202 TOLL FREE AT 1-866-436-4766.

**MASSACHUSETTS NOTICE OF RIGHTS**

YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.

**MINNESOTA NOTICE OF RIGHTS**

This collection agency is licensed by the Minnesota Department of Commerce.

**NORTH CAROLINA NOTICE OF RIGHTS**

North Carolina Department of Insurance Permit Number 101449 (HOUSTON Office) and 4372 (SAN ANTONIO Office)

**NEW YORK NOTICE OF RIGHTS**

CITY OF NEW YORK LICENSE # 1040646 (HOUSTON OFFICE) AND 1232423 (SAN ANTONIO OFFICE)

CITY OF BUFFALO LICENSE # 203711

**TENNESSEE NOTICE OF RIGHTS**

LTD Financial Services, L.P. is licensed by the Collection Service Board of the Department of Commerce and Insurance, 500 James Robertson Pkwy, Nashville, TN 37243.

**WISCONSIN NOTICE OF RIGHTS**

This collection agency is licensed by the Division of Banking, P.O. Box 7876, Madison, Wisconsin 53707.

If you have a complaint or concern with the way we are collecting this debt, please contact our Customer Care Department at 7322 Southwest Freeway Suite 1600, Houston, TX 77074-2053, email [customercare@ltdfin.com](mailto:customercare@ltdfin.com), or toll-free at 1-866-310-9845.

**LTD Financial Services, L.P. is a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.**



LTD FINANCIAL SERVICES, L.P.  
P.O. BOX 630769  
HOUSTON, TX 77263-0769